

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27016 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- TURKAULIYA District- East Champaran

1. Bhrigun Sah S/o Late Dayalee Sah R/o Belwa Bairagi Tola (Mahanwa), P.S.-
Turkauliya, District- East Champaran
2. Sunil Sah S/o Late Jaggu Sah R/o Belwa Bairagi Tola (Mahanwa), P.S.-
Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Turkauliya P.S. Case No. 48 of 2024 dated 16.01.2024 instituted
for the offence punishable under Sections 147, 447, 341, 323, 327,
427, 384, 504, 506 the Indian Penal Code.

3. The prosecution case, in short, is that the petitioners
forced the informant to register his land in their favour. On
12.01.2024, the petitioners were planting the bamboo
on the land of the informant. On protest made by the informant,
the petitioners along with other unknown persons started abusing
the informant. At the behest of petitioner no. 1, petitioner no. 2
pointed *nalkatti* on the informant and threatened to kill him. It is



also alleged that they demanded five lakh rupees from the informant as *Rangdari*.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that the informant purchased the land on 29.06.2011 from Ramesh Sahni who purchased the said land on 09.02.2007 from Madho Sahni. Learned counsel for the petitioners submits that true fact is that 8 katha 1 dhur land bearing plot nos. 1610, 1010, 1009 and 1222 has been purchased by Madho Sah, Jaggu Sah and Bhrigun Sah on 02.02.1965 from Lakhan Sah, having equal share i.e. 2 katha 13 dhurs to each of them. Learned counsel for the petitioners submits that the said Madho Sah already sold out his share i.e. 2 katha 15 dhurs land to Jansan Das, Dhoraee Das and Chandrika Baitha through two sale deed dated 08.04.2006 and 13.08.2007 respectively, and the said Madho Sah again sold 1 katha 4.25 dhurs to one Ramesh Sahni on 09.02.2007 illegally as he had already sold out his share. The informant purchased the aforesaid land from the said Ramesh Sahni on 29.06.2011. Learned counsel for the petitioners further submits that the claim of informant upon the land in question is baseless because Madho Sah had no right to execute the sale deed dated 09.02.2007 as well as Ramesh Sahni had no right to execute the sale deed dated 29.06.2011 in favour of the informant. Learned



counsel for the petitioners submits that the dispute between the parties is purely civil in nature. Lastly, it has been submitted that petitioners have two criminal cases against them.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners. Learned Counsel for the informant submits that the petitioners have two criminal cases against them, as such, they are not entitled to be released on anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Turkauliya P.S. Case No. 48 of 2024, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari (East Champaran) subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wives.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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